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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 09-70014 EDL
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER FED. R. CRIM.
v.)	P. 5.1 and 18 U.S.C. § 3161 AND CHANGING
)	ARRAIGNMENT DATE
MATTHEW ROBINSON,)	
)	
Defendant.)	

On April 10, 2009, the parties requested, and the Court agreed, to set April 27, 2009 as the date for the defendant's preliminary hearing or arraignment. The parties now request that the Court schedule the defendant's preliminary hearing or arraignment for May 11, 2009 at 9:30 a.m. The parties also request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended through April 27, 2009. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension.

The defendant also agrees to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the continuance was the reasonable time necessary for continuity of defense counsel and continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: April 20, 2009

/s/

TAREK J. HELOU
Assistant United States Attorney

DATED: April 20, 2009

/s/

JUDD C. IVERSEN
Attorney for MATTHEW ROBINSON

For the reasons stated above, the Court schedules the defendant's preliminary hearing or arraignment for May 11, 2009 at 9:30 a.m., and finds that the extension of time for the defendant's preliminary hearing or arraignment through May 11, 2009 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161 (h)(7)(A); FRCP 5.1(d). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

SO ORDERED.

DATED: April 21, 2009

